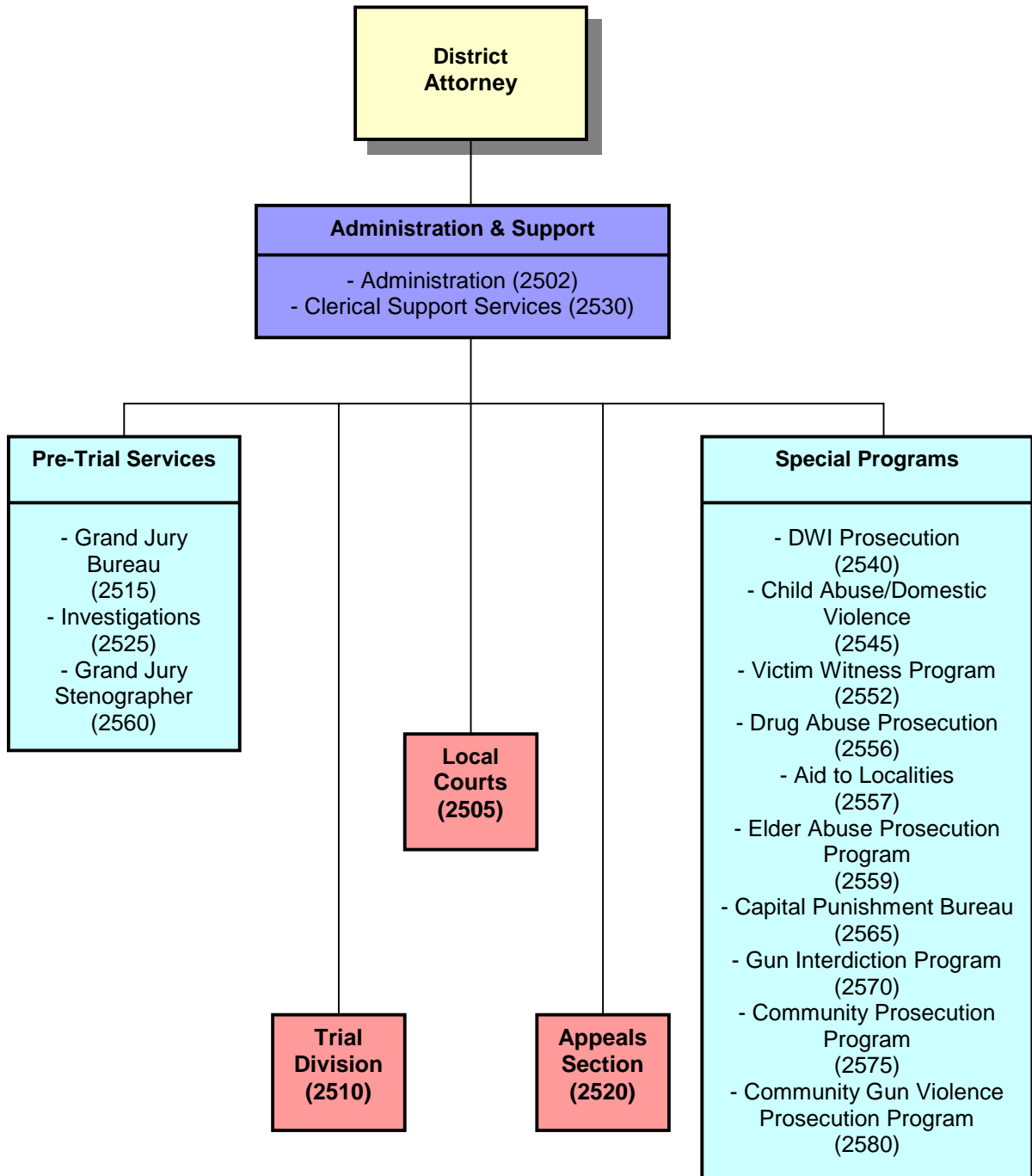
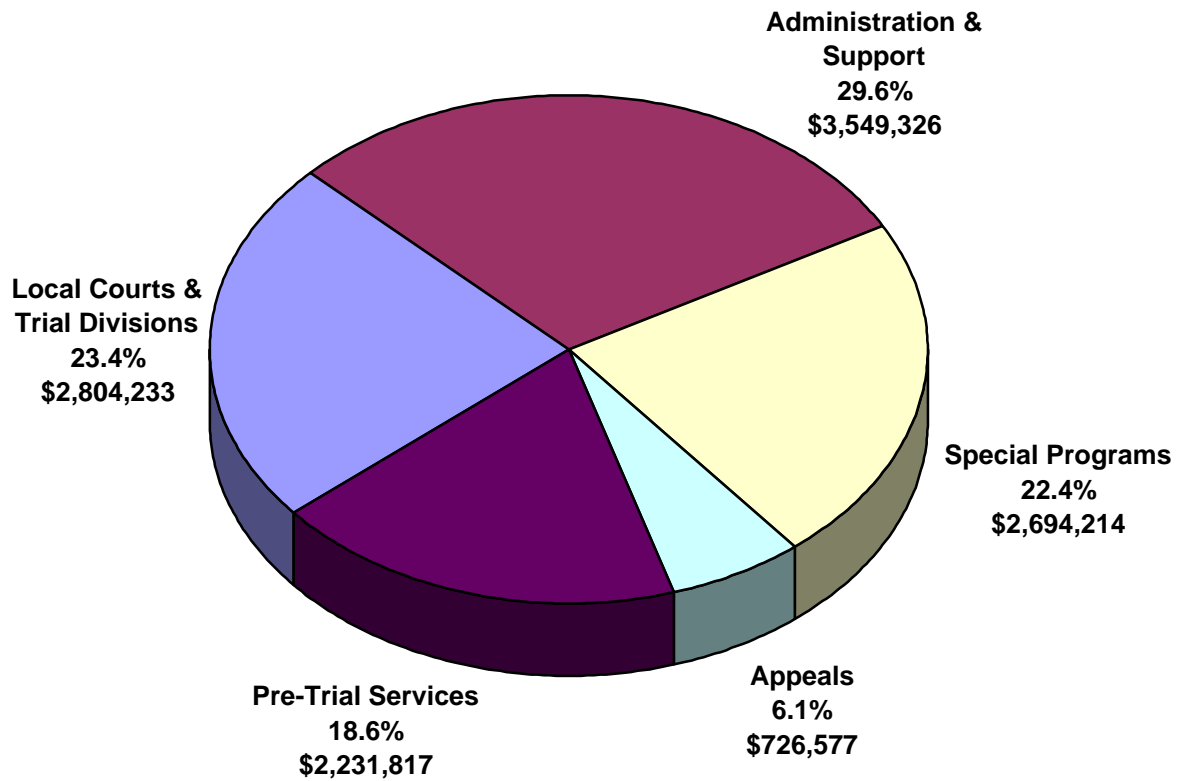


## DISTRICT ATTORNEY (025)

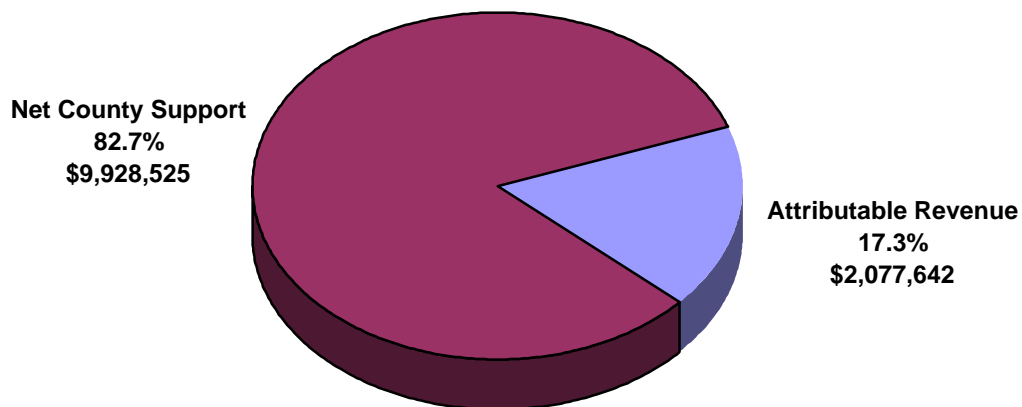


# DISTRICT ATTORNEY

## 2003 Budget -\$12,006,167



## Net County Support



## **DEPARTMENT: Office of District Attorney (025)**

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### **DEPARTMENT DESCRIPTION**

The District Attorney is a constitutional officer elected to a four-year term as Chief Prosecutor for Monroe County. The office oversees the prosecution of all crimes committed in the county. The work performed by this department is mandated by state law, but the county exercises some control over service levels. The operating divisions in the department are grouped according to functional objectives reflected in the department's organization chart.

The District Attorney's Office will continue to pursue established priorities such as the delivery of specialized services to the victims and witnesses of crime and the enhancement of prosecutorial efforts in cases involving violent felonies, drug abuse and capital punishment.

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### **STRATEGIC FRAMEWORK**

#### **Mission**

With the efficient utilization of limited resources, the Monroe County District Attorney's Office provides effective prosecution services which enhance our community's respect for the rule of law and secure the appropriate disposition of cases while ensuring the rights of victims.

#### **Key Result Areas**

Customer Satisfaction: Meet the needs of the law enforcement community, the courts and victims of crime so our mission is accomplished and outcomes appreciated by those who use our prosecution services.

Productive Workforce: Involve our employees in activities which nurture personal and professional growth to better serve our community.

Quality Services: Provide effective prosecution services ensuring the most appropriate disposition of cases.

Quality of Life: Encourage educational opportunities to enhance our community's respect for the rule of law and provide appropriate surroundings and support to achieve our best results.

Fiscal Responsibility: Ensure efficient and effective use of scarce resources while maintaining the highest possible level of prosecution services.

#### **Key Result Measures**

Customer Satisfaction: Staff members continue to receive letters of thanks as well as commendation for work performed. Our relationships with other agencies, i.e. Courts, Law Enforcement, Probation, remain strong and viable. Most importantly our Victim-Witness Unit has been a positive factor in the community through its programs of Homicide Survivors, SAFE, Emergency Bracelets and cell phones. The office continues to provide in-service training for local law enforcement in areas of mutual interest.

Productive Workforce: Our staff maintains its knowledge of the current state of the law through in house training, memoranda and procedures. When possible, staff go to seminars to hone skills in a specialized area of prosecution, e.g. Elder Law, Death Penalty, Child Abuse, DWI, Violent Felonies. These seminars are sponsored by various agencies including the New York State District Attorney's Association and the National District Attorney's Association. Additionally, we are meeting the New York State Requirement for Continuing Legal Education (CLE) of attorney staff.

Quality Services: The Monroe County District Attorney's Office continues to deliver the highest quality of services to the community. Overall conviction rate 96%; 2200 dispositions; 175 felony trials including 16 homicide trials and a felony conviction rate of 75%.

Quality of Life: The District Attorney as well as a group of experienced Assistant DAs are responsible for speaking to the public, i.e. civic groups, schools, fraternal organizations and service organizations. They address subjects such as the death penalty, DNA, etc. Positive feedback abounds.

Fiscal Responsibility: Scarce resources are used wisely and efficiently due to the working relationship of the District Attorney's Office, Budget Office, and Controller's Office. Revenue is estimated at approximately \$1,800,000; Legal staff has "donated" many hours of overtime without compensation; bail situations are monitored for recovery of funds; policies and practices in agreement with the courts and the Public Defender's Office conserve funds, i.e., a consolidated motion practice in city court preserves resources while protecting rights application to New York State and the Federal Government for additional criminal justice grants, and increased use of e-mail and on-line services to reduce overhead costs.

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### 2002 Major Accomplishments

- Sixteen homicide trials in 2001. Twenty-two homicide trials through August 31, 2002
- Fifteen homicide trial convictions in 2001. Twenty-one homicide trial convictions through August 31, 2002
- One hundred and thirty-one felony trials in 2001. One hundred and twenty felony trials through August 31, 2002
- Ninety-six percent conviction rate in cases where felony conviction sought in 2001, ninety-three percent through August 31, 2002
- Over five thousand felony cases closed in 2001. Over three thousand, two hundred and fifty through August 31, 2002
- Continuation of Stop Abuse in the Family Environment (S.A.F.E.) Program
- Continuation of PROJECT EXILE Gun Interdiction Program
- Implementation of the Federally-Funded Community Gun Violence Prosecution and Community Prosecution Programs
- Launched Victim Restitution Improvement Project jointly with Monroe County Probation

### 2003 Major Objectives

- Maintain the office's high level of homicide convictions; 85-90% conviction rate
- Bring 150-175 felony cases to trial
- Keep the felony backlog in Superior Court below 300 pending indictments
- Continue enhanced prosecution of Capital Punishment cases
- Continue Elder Abuse Program
- Continue Gun Interdiction Program, including PROJECT EXILE, and fully implement Community Gun Violence Prosecution Program
- Continue to work with courts and police agencies at integrating Case Management Systems
- Seek out additional sources of grant money for enhanced and targeted Criminal Justice Prosecution Programs
- Continue the Victim Restitution Improvement Project with Monroe County Probation

## **BUDGET SUMMARY**

	<b>Amended Budget 2002</b>	<b>Budget 2003</b>
<b><u>Appropriations by Division</u></b>		
Administration	3,099,918	2,885,447
Clerical Support Services	540,915	656,228
Local Courts	1,858,535	1,507,458
Trial Division	1,355,354	1,296,775
Grand Jury Bureau	196,833	224,664
Investigations	1,099,469	1,289,257
Grand Jury Stenography	690,482	717,896
Appeals Section	745,093	726,577
DWI Prosecution	285,058	231,516
Child Abuse/Domestic Violence	537,193	561,104
Victim-Witness Program	250,676	290,826
Drug Abuse Prosecution	436,990	374,432
Aid to Localities	635,965	788,570
Capital Punishment Bureau	200,000	200,000
Elder Abuse Prosecution	0	79,162
Gun Interdiction Program	100,000	168,604
Community Prosecution Program	75,000	0
Community Gun Violence Prosecution	360,000	0
Debt Service	4,459	7,651
<b>Total</b>	<b>12,471,940</b>	<b>12,006,167</b>
<b><u>Appropriations by Object</u></b>		
Personal Services	8,017,551	7,412,220
Equipment	5,000	0
Expenses	968,997	951,649
Supplies and Materials	88,638	49,727
Debt Service	4,459	7,651
Employee Benefits	1,735,187	2,057,564
Interfund Transfers	1,652,108	1,527,356
<b>Total</b>	<b>12,471,940</b>	<b>12,006,167</b>
<b><u>Revenue</u></b>		
Grant Funding	1,641,565	1,306,196
STOP-DWI Fines	146,500	107,711
Charges to Other Departments/Governments	384,935	460,735
Capital Punishment Bureau	200,000	200,000
Other	3,000	3,000
<b>Total</b>	<b>2,376,000</b>	<b>2,077,642</b>
<b><u>Net County Support</u></b>	<b>10,095,940</b>	<b>9,928,525</b>

## **GRANT SUMMARY**

	<b>Amended Budget 2002</b>	<b>Budget 2003</b>
<b><u>Total Department</u></b>		
Appropriations	12,471,940	12,006,167
Revenue	2,376,000	2,077,642
Net County Support	10,095,940	9,928,525
<b><u>Grants</u></b>		
Appropriations	1,858,631	1,701,594
Revenue	1,591,565	1,231,196
Net County Support *	267,066	470,398
<b><u>Tax Impact</u></b>		
Appropriations *	10,880,375	10,774,971
Revenue	784,435	846,446
Net County Support	10,095,940	9,928,525

\* The Net County Support of the **Grants** amount is the required county match and is included in the **Tax Impact** Appropriations amount. Displaying the grant activity separately has no effect on the **Tax Impact** Net County Support.

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## **BUDGET HIGHLIGHTS**

***Personal Services, Supplies and Materials and Interfund Transfers*** decreases are consistent with the county's cost reduction strategies. ***Employee Benefits*** increase to reflect increases in retirement and medical coverage costs. ***Debt Service*** increases in accordance with debt schedules.

***Grants for Community Prosecution Program and Community Gun Violence Prosecution Program*** will be reappropriated for the 2003 amended budget.

*The 2003 Adopted Budget reflects amendments made by the County Legislature. These changes are described in the Legislative Action section of the Budget document.*

## **ADMINISTRATION AND SUPPORT**

**2002**

**2003**

### **Administration (2502)**

**\$3,099,918**

**\$2,885,447**

A staff of attorneys and administrative personnel form a centralized management group which provides direction, coordination, and planning for the entire department. Specific activities include the development of policies and procedures; the supervision of all professional and support staff; and the exercise of personnel, payroll, accounting, and budget functions. All of the District Attorney's chief management positions are funded in the Administration account rather than in the specific accounts supervised. This account also provides department-wide funding for costs associated with liability insurance, office space, data processing, and other interdepartmental charges.

### **Clerical Support Services (2530)**

**\$540,915**

**\$656,228**

This section provides clerical support for the entire department, including a Legal Secretary II dedicated to Capital Punishment Cases. The support staff prepare documents and forms, maintain case files, and provide security and retrieval of stored data, as well as data entry into the DAMION system.

## **LOCAL COURTS**

### **Local Courts (2505)**

**\$1,858,535**

**\$1,507,458**

Local Courts' attorneys prosecute crimes (primarily misdemeanors and other non-felony offenses) originating in local jurisdictions and brought to trial in city, town, or village courts. All cases are examined and evaluated in order to determine an appropriate disposition. Cases may be disposed of at the local level, brought to trial, or referred to the Grand Jury. S.A.F.E. program to protect victims of domestic violence operates in this activity.

## **TRIALS**

### **Trial Division (2510)**

**\$1,355,354**

**\$1,296,775**

The Trial Division prosecutes felonies in County and Supreme Court. Trial attorneys evaluate cases, prepare cases for trial or plea bargaining, and analyze plea bargaining and dismissal cases for compliance with statutes and departmental guidelines.

## **PRE-TRIAL SERVICES**

### **Grand Jury Bureau (2515)**

**\$196,833**

**\$224,664**

Attorneys present evidence to the Grand Jury in felony cases, criminal investigations, and charges of official misconduct to secure an indictment for binding over for trial. Specific duties include monitoring indictment procedures, reviewing evidence from available sources, and preparing information for presentation to the Grand Jury. Administrative personnel monitor juror needs, expanded schedules, and presentation schedules. They work closely with all felony bureaus.

### **Investigations (2525)**

**\$1,099,469**

**\$1,289,257**

Staff assigned to this section investigate crimes being prosecuted by the District Attorney, including a Violent Felony Investigator specifically assigned to Capital Punishment cases. Specific duties relate to the investigation of allegations of criminality and the delivery of accurate, timely investigative information to county prosecutors. This section provides specialized investigative services for cases involving homicide, arson, violent offense felonies, economic crimes, and illegal narcotics.

### **Grand Jury Stenography (2560)**

**\$690,482**

**\$717,896**

A support group composed of stenographers records all testimony presented before the Grand Jury and provides transcripts as needed.

**APPEALS****2002****2003****Appeals Section (2520)****\$745,093****\$726,577**

The professional staff assigned to this section conduct post-trial and extradition proceedings, including the Capital Punishment Special Assistant District Attorney - Appeals assigned to death penalty cases. Such appeals cases involve the preparation and submission of legal briefs as well as oral arguments in the Appellate Division, Court of Appeals, U.S. Federal Court and possibly the U.S. Supreme Court.

**SPECIAL PROGRAMS****DWI Prosecution (2540)****\$285,058****\$231,516**

This section screens misdemeanor driving-while-intoxicated cases, prosecutes felony DWI cases, and arranges treatment for offenders through pre-trial diversion programs. Objectives for this program include disposition of felony DWI cases within statutory time limits and the placement of all appropriate defendants in pre-trial treatment programs.

**Child Abuse/Domestic Violence (2545)****\$537,193****\$561,104**

This program prosecutes all felony cases involving child abuse, and the majority of cases involving crimes committed against family members by other family members. It also works with the Child Protective Unit of the Monroe County Department of Social Services in early detection and prevention of child abuse. The bureau also assists the victims of child abuse and family violence in obtaining counseling and supportive services from other community agencies.

**Victim/Witness Program (2552)****\$250,676****\$290,826**

This program encourages the appearance of victims/witnesses at grand jury, pre-trial, and trial proceedings. It strives to allay the concerns of victims/witnesses about matters of personal welfare such as threats of harassment and the return of seized property.

**Drug Abuse Prosecution (2556)****\$436,990****\$374,432**

This program targets prosecuting attorneys and support staff for the increasing caseload of drug arrests in Monroe County. Federal funding for this program is channeled through New York State. The county provides approximately 40% of program costs.

**Aid To Localities (2557)****\$635,965****\$788,570**

This 80% state-funded program provides prosecutors and support staff involved with felony prosecution.

**Elder Abuse Prosecution (2559)****\$0****\$79,162**

This program is dedicated to the prosecution of crimes against elderly citizens, such as domestic violence, spousal abuse and fraud. It has an educational component aimed at the elderly to expand their knowledge of potential crimes against them.

**Capital Punishment Bureau (2565)****\$200,000****\$200,000**

Capital punishment was authorized by law in New York State as of September 1, 1995. The state provides funding to local district attorneys for extraordinary costs associated with the prosecution of capital crimes. Funding of \$200,000, offset by revenue of the same amount, is included for expert testimony such as psychiatrists, forensic experts and other professionals.



	<u>2002</u>	<u>2003</u>
<b>Gun Interdiction Program (2570)</b>	<b>\$100,000</b>	<b>\$168,604</b>

The Gun Interdiction Program Grant provides for two Assistant District Attorneys to prosecute the illegal possession, sale and use of guns with the aim of reducing the violence that surrounds these crimes. This grant is approximately 60% funded by New York State.

<b>Community Prosecution Program (2575)</b>	<b>\$75,000</b>	<b>\$0</b>
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Funded through a one year Federal demonstration grant beginning in 2002, this program will assign a part-time Assistant District Attorney to work directly with police and community groups on "grass roots" crime prevention and prosecution issues. The grant amount for 2003 will be reappropriated and accounted for in the 2003 amended budget.

<b>Community Gun Violence Prosecution Program (2580)</b>	<b>\$360,000</b>	<b>\$0</b>
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Funded through a three-year Federal grant beginning in 2002, experienced prosecutors assigned to this project will be dedicated foremost to the prosecution of cases involving violent crimes committed with guns, and will seek the imposition of maximum sentences on those convicted through the program. The grant amount for 2003 will be reappropriated and accounted for in the 2003 amended budget.

<b>Debt Service (2597)</b>	<b>\$4,459</b>	<b>\$7,651</b>
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Debt Service being incurred due to an Information Services project.

### Performance Measures

	<b>Actual 2001</b>	<b>Est. 2002</b>	<b>Est. 2003</b>
Local Courts Division			
Felony Arraignments	5,675	5,700	5,700
Misdemeanor Arraignments	30,209	30,983	30,990
Trials	204	215	220
Pleas	11,832	12,093	12,100
Total Convictions	11,982	12,234	12,240
Total Dispositions	21,108	21,150	21,150
Conviction Percentage	57%	58%	58%
Trials Division			
Trials	131	150	150
Pleas/Waivers	2,001	1,975	1,975
Dismissals/Acquittals	90	90	90
Total Dispositions	2,187	2,250	2,250
Conviction Percentage	96%	96%	96%
Dismissal/Acquittal Percentage	4%	4%	4%
Major Felony Intake/Trials	1,198/49	1,150/48	1,175/50
Homicide Intake/Trials	38/16	37/20	35/18
Grand Jury Division			
Indictments	886	885	885
No Bills/Returns	1,401	1,400	1,225
Total Cases	2,287	2,285	2,210

	<b>Actual 2001</b>	<b>Est. 2002</b>	<b>Est. 2003</b>
Investigations Division			
Cases Handled	1,166	1,295	1,275
Indictments	150	125	135
Convictions	499	500	500
Dispositions	515	515	515
Conviction Percentage	97%	97%	97%
Economic Crime Intake	343	350	350
Economic Crime Dispositions	138	145	145
Transports: Victims/Witnesses	1,839	2,000	2,200
Locates: Victims/Witnesses	1,204	1,300	1,400
Personal Service Subpoenas	13,285	15,000	15,600
Total Subpoenas	21,671	23,500	24,500
Miscellaneous Requests	23,116	25,000	27,000
Appeals Division			
Briefs Filed/Miscellaneous Motions	675	690	690
Habeas Corpus	33	35	35
Extraditions	78	80	80
Coram Nobis	18	25	25
Miscellaneous Actions	872	880	880
DWI Division			
Cases Handled	674	675	675
Indictments	174	175	175
No Bills/Returns	105	125	125
Trials	14	15	15
Pre-Trial Diversions	103	115	120
Waivers/Pleas	430	410	410
DWI/DWAI Arrests	2,578	2,890	3,000
Child Abuse/Domestic Violence Division			
Felony Intake	510	545	545
Indictments	63	90	90
Grand Jury Presentations	257	260	260
Felony Dispositions	131	135	135
Trials	17	17	17
Conviction Percentage	92%	90%	90%
Victim-Witness Unit			
New Victims Receiving Services	832	820	825
Witnesses Receiving Services	746	1,500	900
Notifications/General Information Services	25,236	32,000	30,000
Parole Notification/Documentation	384	350	375
Gun Interdiction Program			
Cases Handled	244	240	240
Convictions	98	100	100
Felony Dispositions	105	105	105
PROJECT EXILE	60	60	60
Elder Abuse Prosecution			
Felony Cases Opened	52	75	75
Felony Convictions	32	45	45
Total Cases Closed	57	70	70

## **STAFF**

<b><u>Total</u></b>	<b><u>Title</u></b> <b>Full Time</b>	<b><u>Group</u></b>
1	District Attorney	Flat
1	First Assistant District Attorney	25
1	Second Assistant District Attorney	24
1	Chief of Appeals	23
1	Chief of Violent Offense Bureau	23
1	Chief, Pre-Trial Division	23
1	Assistant DA - Capital Punishment Specialist	22
1	Chief Local Courts Division	22
1	Chief, Special Investigations Bureau	22
12	Special Assistant District Attorney	21
1	Special Assistant District Attorney - Capital Punishment Appeals	21
1	Chief District Attorney Investigator	20
6	Senior Assistant District Attorney	20
27	Assistant District Attorney, Grade 1	19
1	Chief, District Attorney Administration	18
26	Assistant District Attorney, Grade 2	17
1	Confidential Homicide Coordinator	16
1	District Attorney Arson Investigator	16
1	Senior District Attorney Investigator	16
6	Grand Jury Stenographer	15
1	DA Narcotics Investigator	14
1	Hearing Stenographer	14
5	Violent Felony Offense Investigator	14
1	Conf. Asst. to the DA-Executive	13
1	Director Victim-Witness & Community Services	13
1	Video-Audio Technician	13
1	District Attorney Investigator	12
1	District Attorney Research Analyst	12
1	Superior Court Calendar Clerk	12
1	Confidential Sec. to Division Heads	11
1	Senior Victim Witness Advocate	11
5	Clerk Grade 1	10
1	Complaint Clerk	10
1	Conf. Secretary to Grand Jury	10
1	Criminal Law Assistant	10
2	Criminal Law Specialist	10
3	Victim Witness Advocate	9
2	Victim Witness Advocate - Bilingual	9
1	Deputy Conf. Sec. to Grand Jury	8
9	Legal Secretary II	8
1	Legal Stenographer	8
1	Clerk Grade 2	7
3	Clerk III with typing	5

<u>Total</u>	<u>Title</u>	<u>Group</u>
1	Data Entry Operator	5
2	Driver - Messenger	5
1	Receptionist Typist	5
1	Clerk Typist	2
<hr/> 142	<b>Total Full Time</b>	
	<b>Part Time</b>	
1	Pre Warrant Asst. District Attorney, PT	Flat
1	Grand Jury Stenographer, PT	15
1	Hearing Stenographer, PT	14
3	District Attorney Investigator, PT	12
1	Clerk Typist, PT	2
<hr/> 7	<b>Total Part Time</b>	
<hr/> 149	<b>Total 2003</b>	